

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for August 18, 2004, 2003 PLANNING COMMISSION MEETING

P.A.S.: Change of Zone #3312, Use Permit #135, North Hills Retail Center

PROPOSAL: To change the zoning on a parcel from R-3 to B-2, Planned Neighborhood Business and obtain a use permit for approximately 198,825 square feet of retail floor area.

LOCATION: Generally located at N. 14th Street and Fletcher Avenue.

WAIVER REQUEST:

Reduce front yard setback from 50'-40' along Fletcher Avenue

Reduce front yard setback from 50' to 35' along N. 14th Street

Waive front yard setback for a driveway

Waive internal yard setbacks within individual building lots

Waive Design Standards to construct a water main within the parking lot driveways

Waive the requirement for a preliminary plat

LAND AREA: Change of Zone: 1.5 acres, more or less.
Use Permit: 22 acres, more or less.

CONCLUSION: With conditions, the request is in conformance with the Comprehensive Plan, Subdivision and Zoning Ordinances.

RECOMMENDATION:

<u>Change of Zone</u>	Approval
<u>Use Permit</u>	Conditional Approval
Reduce front yard setback from 50'-40' along Fletcher Avenue	Approval
Reduce front yard setback from 50' to 35' along N. 14 th Street	Approval
Waive front yard setback for a driveway	Approval
Waive internal yard setbacks within individual building lots	Approval
Waive Design Standards to construct a public water main on private property	Denial
Waive the requirement for a preliminary plat	Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached.

EXISTING ZONING: B-2, Planned Neighborhood Business District, R-3, Residential

EXISTING LAND USE: Undeveloped.

SURROUNDING LAND USE AND ZONING:

North:	Interstate and undeveloped	P, Public, R-3, R-5, Residential
South:	Undeveloped, residential	R-3
East:	Undeveloped	H-3, Highway Commercial
West:	Undeveloped	R-3

HISTORY: North Hills Preliminary Plat #99009, Change of Zone #3174 from R-3 to B-2 and Change of Zone #3175 from B-2 to R-3 was approved on November 1, 1999 by City Council.

COMPREHENSIVE PLAN SPECIFICATIONS: This area is shown as Commercial (F-25).

Commercial locations should be easily accessible by all modes of transportation including pedestrian, bicycle, transit and automobiles. Centers should be especially accessible to pedestrians and bicycles with multiple safe and convenient access points. (F-42)

TRAFFIC ANALYSIS: Fletcher Avenue is shown as an Urban Minor Arterial in the Functional Classification of City Streets in the Comprehensive Plan (F-103).

Due to traffic created by the commercial floor area off site improvements are required. The Public Works and Utilities Department indicated that the traffic study indicates the need for additional turn lanes and right of way on Fletcher Avenue.

ANALYSIS:

1. This is a request for a change of zone on approximately 1.5 acres from R-3 to B-2 and use permit for 198,825 square feet of floor area for the entire B-2 area. The applicant requests to reduce front yard setbacks around the perimeter and to waive internal lot setbacks. The applicant indicated the waiver is requested due to the additional right-of-way dedication along Fletcher Avenue and N. 14th Street. Since the pad site lots will be surrounded by an outlot which will have parking for the lots, the applicant requested to waive all internal pad site setbacks. The applicant requests to waive the front yard setback along N. 14th Street to allow a driveway to encroach into the setback. The applicant is showing an approximately 0.20 floor area ratio.
2. Street trees and sidewalks along N. 14th Street must be shown on the landscape and site plans. Waivers were not requested for these facilities and there are no apparent justifications to warrant a waiver.

3. The land use table on the site plan does not reflect the same information as the site plan itself, pad site square footage varied from the site plan to the table.
4. The Lincoln Lancaster County Health Department had two advisory comments which are attached.
5. The Public Works and Utilities Department had several comments in their memo dated July 28, 2004 which are attached.
6. The Fire, Police and Parks and Recreation Departments had no objections.
7. Planning staff does not object to the setback waivers, as it is allowed through the use permit process. The waiver to internal setbacks is consistent with other use permit areas which have individual pad sites surrounded by a parking lot within an outlot. The request to waive perimeter setbacks is reasonable, given the additional right of way dedication and is still consistent with abutting zoning setbacks (H-3 front yard setback of 30'). The request to coordinate the preliminary plat and use permit is reasonable because all information required by the preliminary plat has been submitted with the use permit.
8. The acreage shown for the calculation of the floor area ratio does not match the surveyor's certificate land area. Both need to show the correct acreage.
9. The Public Works and Utilities Department indicated they do not support the request to allow public water mains in a private parking lot. Public Works and Utilities Department recommends this main be revised to indicate that it is a private water system with a water meter location approved by the Public Works and Utilities Department. The Public Works and Utilities Department indicated Water mains along private roadways are acceptable as long as the cross section resembles a standard section and is not merely a parking lot driving isle. The reason for this is maintenance and accessibility purposes.

CONDITIONS:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:

1.1 Revise the site plan to show:

1.1.1 Show street trees along N. 14th Street.

- 1.1.2 Revise the site plan and land use table to be the same.
 - 1.1.3 Show utility easements to the satisfaction of the Lincoln Electric System's memo dated July 22, 2004.
 - 1.1.4 Revisions to the satisfaction of the Public Works and Utilities Department's memo dated July 28, 2004.
 - 1.1.5 Correct the legal description on the site plan along the west side of Rockford Drive to Lot 5 and the SW side of driveway along Lot 3.
 - 1.1.6 Show sidewalks along N. 14th Street to show a sidewalk connected to Lot 2 and fill in the gap sidewalk north of Lot 3.
 - 1.1.7 Indicate the correct acreage in the Development Area calculation and the Surveyor's Certificate.
2. This approval permits 198,825 Sq.ft. and reduction of the front yard setbacks, waiver of internal yard setbacks, waive Design Standards to construct a water main within the parking lot driveways, and waive the requirement for a preliminary plat.

General:

3. Before receiving building permits:
- 3.1 The permittee shall have submitted a revised and reproducible final plan including 7 copies showing the following revisions and the plans are acceptable:
 - 3.2 The construction plans shall comply with the approved plans.
 - 3.3 Final Plats shall be approved by the City.

STANDARD CONDITIONS:

4. The following conditions are applicable to all requests:
- 4.1 Before occupying the commercial buildings all development and construction shall have been completed in compliance with the approved plans.
 - 4.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.

- 4.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
- 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
- 4.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Prepared by:

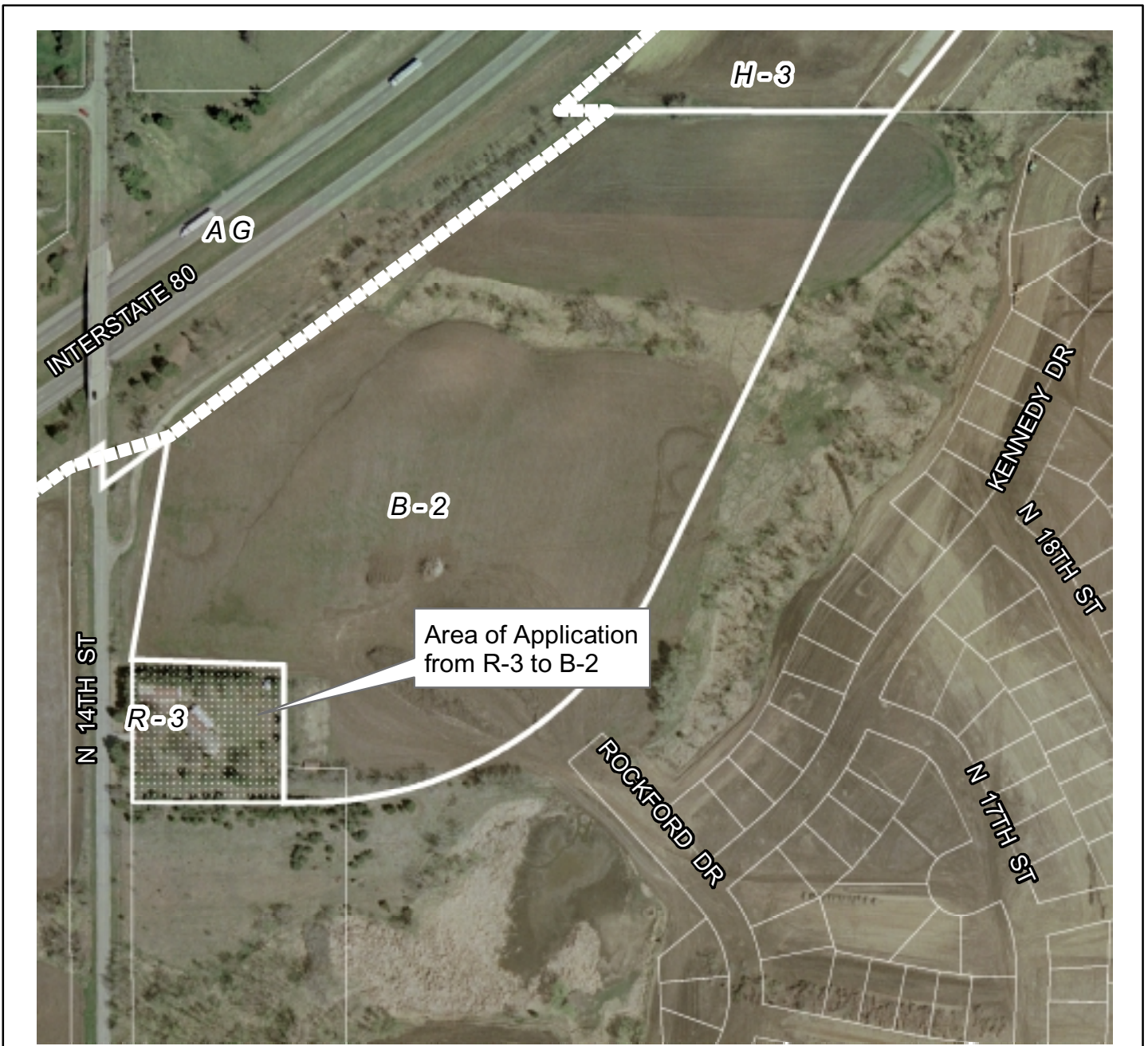
Becky Horner, 441-6373, rhorer@lincoln.ne.gov
Planner

DATE: August 4, 2004

APPLICANT: Ridge Development Company
John Brager, Tom White
PO Box 22769 and PO Box 22296
Lincoln, NE 68542

OWNER: Same.

CONTACT: Cale Lucky
Olsson Assocaites
1111 Lincoln Mall
Lincoln, NE 68508
(402)474-6311



Change of Zone #3312 North Hills Retail Center Fletcher Ave. & I-80

2002 aerial

Zoning:

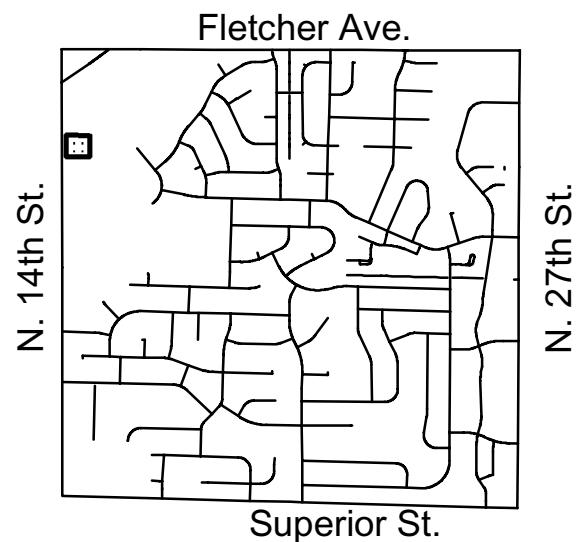
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 1 T10N R6E

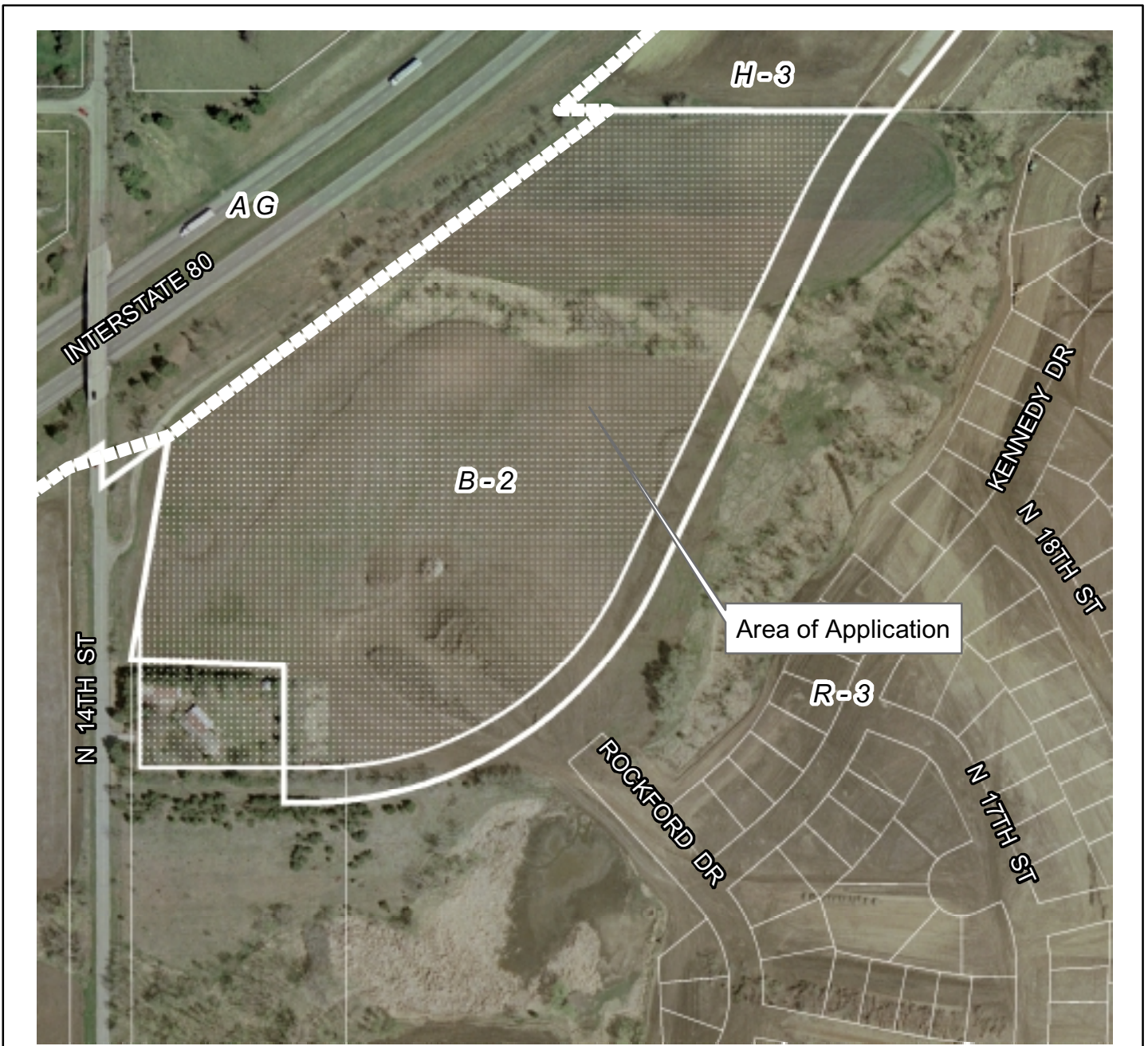


Zoning Jurisdiction Lines

City Limit Jurisdiction



Lincoln City - Lancaster County Planning Dept.



Use Permit #135 **North Hills Retail Center** **Fletcher Ave. & I-80**

2002 aerial

Zoning:

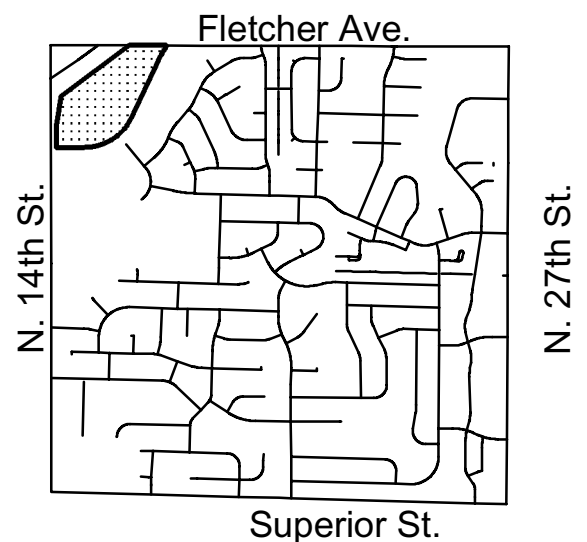
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One Square Mile
 Sec. 1 T10N R6E



Zoning Jurisdiction Lines

City Limit Jurisdiction



Lincoln City - Lancaster County Planning Dept.



OLSSON ASSOCIATES
ENGINEERS • PLANNERS • SCIENTISTS • SURVEYORS

12 July 2004

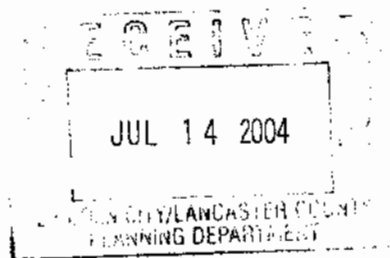
Mr Marvin Krout
Planning Department , City of Lincoln
County-City Building
555 South 10th Street
Lincoln, NE 68508

Re: North Hills Retail Center Use Permit
OA Project No. 2004-0164

Dear Mr. Krout,

Enclosed please find the following for the above-mentioned project:

1. Site Plan - 21 copies.
2. Drainage and Grading Plan - 9 copies.
3. Street Profile Plan - 5 copies.
4. Landscape Plan - 5 copies
5. Traffic Study - 3 copies.



On behalf of the owners, North Hills Limited Partnership, we are resubmitting North Hills Retail Center Use Permit #135. This project was last submitted to your office in March of 2001. We have updated the plans to generally conform to the comments dated April 2, 2001 and also to address issues discussed with planning staff on March 18, 2004. We are requesting the withdrawal of Preliminary Plat #01002 as discussed at the meeting.

The following waivers are requested:

1. To reduce the front yard setback from 50' to 40' along Fletcher Avenue.

60' of Right of way has been dedicated along Fletcher Avenue. We are requesting a corresponding 10' reduction from the 50' front yard setback to account for the 10' increase in Right of Way. An alternative would be to maintain 50' of Right of Way and dedicate a Pedestrian / Landscape easement for the additional 10'.

2. To reduce the front yard setback from 50' to 35' along North 14th Street:

65' of Right of way has been shown to be dedicated along North 14th Street. We are requesting a corresponding 15' reduction from the 50' front yard setback to account

for the 15' increase in Right of Way. An alternative would be to maintain 50' of Right of Way and dedicate a Pedestrian / Landscape easement for the additional 15'.

3. To waive internal yard setbacks within individual building lots:

The center is designed to allow the buildings to be in separate lots (if required) and the parking / driveways to be in a separate outlot. We are therefore requesting a waiver to each internal lots setbacks, the setbacks are noted around the perimeter of the center.

4. To waive design standards to construct a public water main within the parking lot / driveways as shown in Outlot "A"

Public Water mains are normally located within City Right of Way, or within an easement adjacent to a Private Roadway. There are no private roadways located within the center, however, the water main can be located adjacent to driveways in an easement and would be constructed according to city design standards.

5. To waive front yard setback requirement to allow a driveway to encroach into the front yard setback

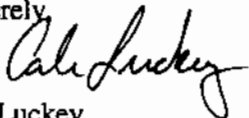
A portion of the rear building circulation drive encroaches into the front yard setback of 14th street and Interstate 80. This encroachment is being requested to maintain vehicular flow around the building. The driveway is approximately 15' below the elevation of 14th street.

6. To waive the requirement for a preliminary plat:

The information required for a Preliminary Plat is included within this Use Permit submittal and therefore we are requesting that the Use Permit act as the Preliminary Plat.

Please contact us if you have any questions or require additional information.

Sincerely,



Cale Luckey

Encls

cc Tom White, John Brager,
John Schleich, Tom Schleich
DaNay Kalkowski

RECEIVED

JUL 14 2004

PLANNING DEPARTMENT

F:\Projects\20040164\doc\mkrout704.doc

Memorandum

To:	Becky Horner, Planning Department
From:	Chad Blahak, Public Works and Utilities
Subject:	North Hills Retail Center Use Permit #135
Date:	7/28/04
cc:	Randy Hoskins

Engineering Services has reviewed the administrative amendment for the North Hills Retail Center Use Permit, located at the northeast corner of Fletcher Ave and N. 14th St., and has the following comments:

Sanitary Sewer - The sanitary system is satisfactory.

Water Mains - The following comments need to be addressed.

(2.1) Public Works does not approve the requested waiver of design standards to construct public water mains in a parking lot. If the water main is to be built as shown it needs to be shown as a private water system with a water meter location approved by Public Works.

Grading/Drainage - The grading plan is satisfactory.

(3.1) Storm water detention for this area was provided for with the North Hills preliminary plat.

Streets - The following comments need to be addressed.

(4.1) The northeast driveway connection to Fletcher Avenue from the site needs to be shown as a left in/right out only intersection. There appears to be sufficient capacity at the Rockford and Fletcher intersection, which is a potential future signal location. A full median break at this location is not needed. The site plan needs to be revised accordingly.

(4.2) A north to east bound right turn lane at 14th and Fletcher should be shown on the plans.

(4.3) The traffic study submitted shows a dedicated left turn lane and shared right turn and through lane for the shopping center drive at the Rockford and Fletcher intersection. However, the plan does not appear to reflect this lane configuration. The site plan and or traffic study needs to be revised accordingly. Also, the shopping center drive should be revised to show two entering lanes which accommodate possible future dual left turn lanes in the east bound approach to the intersection. If volumes increase higher than expected there may not be sufficient room between Rockford and 14th in Fletcher to extend the left turn lane to accommodate the higher traffic volume.

(4.4) Dual left turn lanes need to be shown in the west bound approach to the 14th and Fletcher intersection.

July 28, 2004

(4.5) Right turn lanes need to be shown in Fletcher at the intersection with Rockford in both the east and west bound approaches and at the northeast driveway entrance to the site.

(4.6) ROW stubs need to be shown for both of the shopping center driveway connections to Fletcher to the satisfaction of Public Works.

(4.7) All paving improvements associated with Fletcher at the Rockford intersection and at the northeast driveway are the responsibility of the developer as neither access point lands at a quarter mile point. Paving improvements associated with the 14th and Fletcher intersection will be the responsibility of the City.

General - The information shown on the preliminary plat relating to the public water main system, public sanitary sewer system, and public storm sewer system has been reviewed to determine if the sizing and general method providing service is satisfactory. Design considerations including, but not limited to, location of water main bends around curves and cul-de-sacs, connection of fire hydrants to the public main, temporary fire hydrant location, location and number of sanitary sewer manholes, location and number of storm sewer inlets, location of storm sewer manholes and junction boxes, and the method of connection storm sewer inlets to the main system are not approved with this review. These and all other design considerations can only be approved at the time construction drawings are prepared and approved.

**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Becky Horner	DATE: July 23, 2004
DEPARTMENT: Planning	FROM: Chris Schroeder
ATTENTION:	DEPARTMENT: Health
CARBONS TO: EH File	SUBJECT: North Hills Retail Center
EH Administration	UP #135 resub

The Lincoln-Lancaster County Health Department has reviewed the proposed development with the following noted:

- All wind and water erosion must be controlled during construction. The Lower Platte South Natural Resources District should be contacted for guidance in this matter.
- During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.

INTER-DEPARTMENT COMMUNICATION



DATE: July 22, 2004
TO: Becky Horner, City Planning
FROM: Sharon Theobald
Ext 7640
SUBJECT: DEDICATED EASEMENTS
DN# 55N-16E

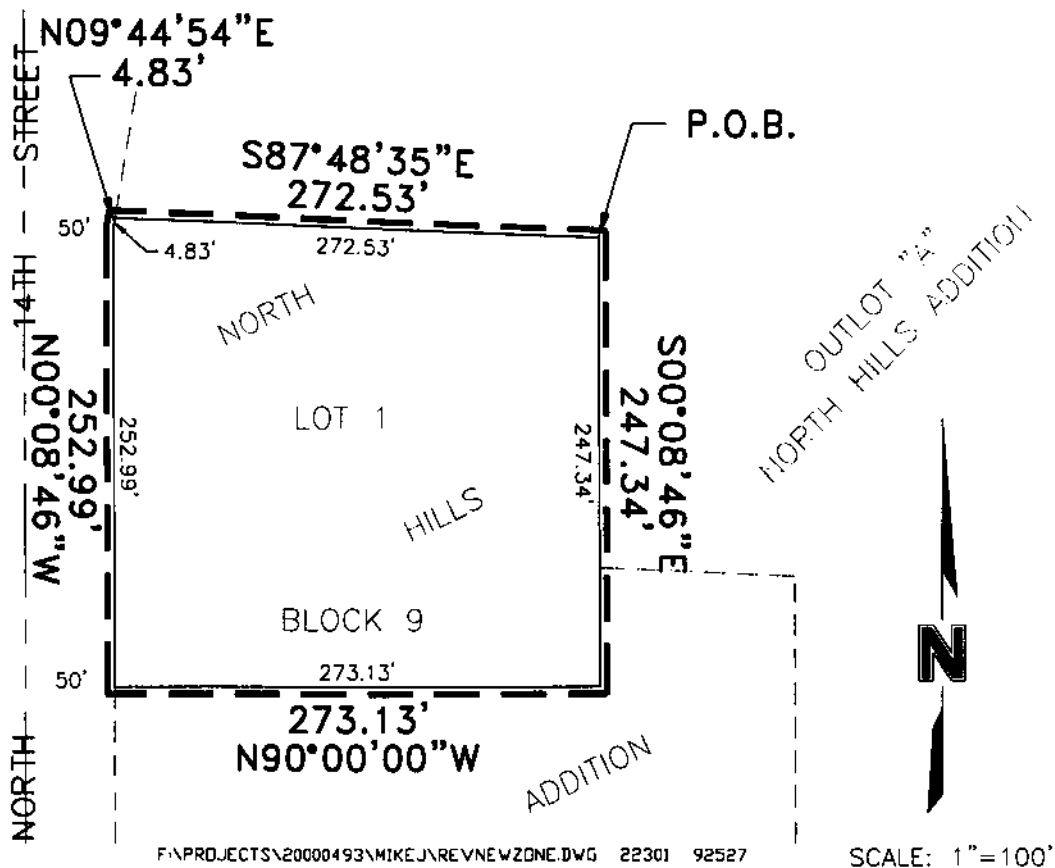
Attached is the Site Plan for North Hills Retail Center.

In reviewing the dedicated transmission line or other electrical easements shown on this plat, LES does not warrant, nor accept responsibility for the accuracy of any such dedicated easements.

ALLTEL, Time Warner Cable, and the Lincoln Electric System will require the additional easements marked in red on the map. The easement in Lot 4 must be a minimum of 10 ft. plus the width of the water main.

Sharon Theobald

ST/ss
Attachment
c: Terry Wiebke
Easement File



Change of Zone# 3312
 from R-3 to B-2

CERTIFICATE OF OWNERSHIP

TO WHOM IT MAY CONCERN:

FILE NO: 11543

The undersigned, hereby certifies the following real property title data to be true and correct as taken from the records of LANCASTER County, Nebraska regarding title to the following described real estate:

Lot 1, Block 9, North Hills Addition, Lincoln, Lancaster County, Nebraska and Outlot A, North Hills 4th Addition, Lincoln, Lancaster County, Nebraska

MOST RECENT CONVEYANCE:

Lot 1, Block 9, North Hills Addition:

Grantee: Aginvest, LLC, a Nebraska limited liability company

Inst. No.: 2001-74460

Date of Instrument: October 19, 2001

Date Filed: December 11, 2001

Outlot A, North Hills 4th Addition:

Grantee: North Hills Limited Partnership, a Nebraska limited partnership

Inst. No.: 2000-20034

Date of Instrument: November 1, 1999

Date Filed: May 12, 2000

This search does not pass on the marketability of title, nor as to the legality or sufficiency of any instrument or proceeding in the chain of title to said real estate. This search is not an opinion of title or a guaranty of title.

EFFECTIVE DATE: JULY 6, 2004 AT 8:00 A.M.

UNION TITLE COMPANY

BY:

Marissa A. Peterson
REGISTERED ABSTRACTER

CERTIFICATE OF AUTHORITY NO. 581

